

REMARKS

This Amendment is submitted in reply to the Non-Final Office Action dated August 24, 2011. Applicant respectfully requests reconsideration and further examination of the patent application pursuant to 37 C.F.R. § 1.111.

Summary of the Examiner's objections and rejections

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Albers (US 6,097,798) in view of Benitez Pelaez, et al. (US 2004/0190689) in further view of Bhatia (US 6,563,824)

Summary of claim amendments

Applicant has amended claims 1 and 5 and added new claims 8 and 9. The support for the amendments to the independent claims 1 and 5 can be found on page 7, line 20 and page 8, lines 4-5 in the originally filed patent application. In addition, the support for the new independent claims 8 can be found in page 7, line 11 through page 9, line 6 in the originally filed patent application. No new subject matter has been added.

Remarks regarding the §103(a) rejections

Applicant respectfully submits that the amended independent claim 1 is patentable over Albers, Benitez Pelaez, Bhatia or any combination thereof. The amended independent claim 1 recites the following:

1. Method for monitoring media session flow in a telecommunication network comprising a media-handling node through which, sessions between subscribers are transported via first ports and second ports comprising the following steps:

assigning an extra port to the media-handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node, each extra port is unique to a particular new session, and each extra port is set-up independent if monitoring is requested or not;

storing in a database, identification of a first subscriber for which monitoring is desired;

setting up a connection between the first subscriber and a second subscriber;

assigning an extra port that is adherent to the session between the first and second subscriber;
connecting the assigned extra port that is adherent to the session between the first and second subscriber;
monitoring the session between the first and second subscriber via the connected extra port (emphasis added).

In the pending Office Action, The Examiner in referring to the claimed step of "assigning an extra port to the media-handling node of an internet protocol multimedia subsystem domain for each new session that is transported through the node, each extra port corresponding to a particular new session" stated "there is no claimed requirement that all such "extra ports" be unique/distinct for each session...." (see page 3 of Office Action). Thus, in the interest of advancing prosecution, Applicant has amended independent claim 1 to recite "each extra port is unique to a particular new session". Therefore, for the same reasons discussed in the amendment filed March 24, 2011, Applicant submits that Albers fails to disclose, teach or suggest "each extra port is unique to a particular new session". In particular, Applicant stated "Albers does not indicate that the number of interface modules, the number of interface units, or specifically the number of interface units that connect to an enforcement agency terminal are dependent on the number of sessions transported through the 5ess switch. Instead, Albers indicated only that "[t]he interface modules 51 each include a number of interface units 0 to n." Albers, col. 10, ll.14-15." (see page 4 of Amendment dated March 24, 2011). Benitez Pelaez and Bhatia fail to cure Alber's deficiency as will be described in detail below.

Furthermore, Applicant has amended independent claim 1 to further clarify that "each extra port is set-up independent if monitoring is requested or not". Albers does not disclose, teach or suggest this newly added limitation. Instead, Albers discloses where the SCP 120 determines if a call is to receive surveillance monitoring and then the 5ess switch's CALEA module confirms if the call to a target is to receive surveillance monitoring and then the CALEA module performs two primary functions: it routes the call to the target telephone and it implements surveillance against the target (see col. 7, line 64-col. 8, line 47). Thus, Alber's 5ess switch does not set-up a port for surveillance monitoring of a particular call until after determining that the particular call is to receive surveillance monitoring while the amended independent claim 1 recites "each extra port

is set-up independent if monitoring is requested or not" and then in subsequent claimed steps where if monitoring is required then the extra port that is adherent to the session between the first and second subscriber so the session is actually connected between the first and second subscriber can be monitored via the connected extra port. Benitez Pelaez and Bhatia fail to cure Alber's deficiency as will be described in detail below.

Benitez Pelaez discloses a "media gateway" and Bhatia discloses a "LAN modem 300 assigned a distinct public source port number in the NAT table for each packet transmitted from the same workstation during a given session" (col. 15, lines 15-17). The Examiner considers Bhatia's "distinct public source port number" to teach an "extra port". Applicant believes the Examiner is mistaken and after reviewing Bhatia understands Bhatia's "distinct public source port number" to be nothing more than a port number and not an extra port to be used by a LAN modem 300 to ensure communications proceed correctly between a workstation 121.164.1.2 and a remote server 241.123.1.2 when another workstation 121.164.1.4 is also communicating with the same remote server 241.123.1.2 and both workstations 121.164.1.2 and 121.164.1.4 have internally selected the same port number on their side to identify their client applications (see col. 14, line 60 through col. 15, lines 14). In particular, the "distinct public source port number" is not an "extra port" in the session between workstation 121.164.1.2 and remote server 241.123.1.2 instead it is only a port number used by the LAN modem 300 to ensure that packets sent from the remote server 241.123.1.2 and intended for workstation 121.164.1.2 are directed to the correct workstation 121.164.1.2 and not the incorrect workstation 121.164.1.4 (see col. 14, line 16 through col. 17, line 18). As a result, the proposed Albers-Benitez Pelaez-Bhatia combination fails to disclose, teach or suggest every element of the amended independent claim 1. In view of at least the foregoing, the Applicant respectfully submits that the amended independent claim 1 is patentable over Albers, Benitez Pelaez, Bhatia or any combination thereof and that the corresponding dependent claims 2-4 are also patentable, at least by the virtue of their dependence to the amended independent claim 1.

Applicant respectfully submits that the amended independent claim 5 is patentable in view of Albers, Benitez Pelaez, Bhatia or any combination thereof. The amended independent claim 5 recites the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 1. As such, the aforementioned remarks regarding the patentability of the amended independent claim 1 apply as well to the amended independent claim 5. Accordingly, Applicant respectfully requests the allowance of the amended independent claim 5 and the corresponding dependent claims 6-7.

Remarks regarding the new independent claims 8-9

Applicant respectfully submits that the new independent claim 8 is patentable in view of Albers, Benitez Pelaez, Bhatia or any combination thereof. The new independent claim 8 is as follows:

8. A method implemented by a media-handling node for monitoring media session flow in a telecommunication network through which sessions between subscribers are transported via first ports and second ports in the media-handling node, the method comprising the following steps:
 - assigning an extra port for each new session that is transported through the media-handling node, each extra port is unique to a particular new session, and each extra port is set-up independent if monitoring is requested or not;
 - setting up a connection between a first subscriber and a second subscriber using at least one of the first ports and at least one of the second ports;
 - receiving an indicator indicating that the first subscriber is to be monitored such that the extra port unique to the session between the first subscriber and the second subscriber is to be connected; and
 - connecting the extra port that is adherent to the session between the first and second subscriber, where the session between the first subscriber and the second subscriber is monitored via the connected extra port.

The new independent claim 8 recites the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 1. As such, the aforementioned remarks regarding the patentability of the amended independent claim 1 apply as well to the new independent claim 8.

Accordingly, Applicant respectfully requests the allowance of the new independent claim 8.

Applicant respectfully submits that the new independent claim 9 is patentable in view of Albers, Benitez Pelaez, Bhatia or any combination thereof. The new independent claim 9 is as follows:

9. A system comprising:
- an internet protocol multimedia subsystem domain which comprises:
 - a database configured to store identifications of subscribers for which monitoring is desired;
 - a media-handling node through which sessions between subscribers are transported via first ports and second ports, the media-handling node configured to:
 - assign an extra port for each new session that is transported there through, each extra port is unique to a particular new session, and each extra port is set-up independent if monitoring is requested or not;
 - set-up a connection between a first subscriber and a second subscriber using at least one of the first ports and at least one of the second ports; and
 - an edge node configured to:
 - receive an indicator from the database indicating that the first subscriber is to be monitored;
 - initiate connecting the extra port that is adherent to the session between the first and second subscriber, where the session between the first subscriber and the second subscriber is monitored via the connected extra port.

The new independent claim 9 recites the same or similar distinguishing limitations that have been discussed above with respect to the amended independent claim 1. As such, the aforementioned remarks regarding the patentability of the amended independent claim 1 apply as well to the new independent claim 9. In addition, the new independent claim 9 recites an "edge node" configured to "receive an indicator from the database indicating that the first subscriber is to be monitored" and "initiate connecting the extra port that is adherent to the session between the first and second subscriber, where the session between the first subscriber and the second subscriber is monitored via the connected extra port" which further distinguish the present invention over Albers, Benitez Pelaez, Bhatia or any combination thereof.

Accordingly, Applicant respectfully requests the allowance of the new independent claim 9.

CONCLUSION

In view of the foregoing remarks, Applicant believes all of the claims currently pending in the application to be in a condition for allowance. Therefore, Applicant respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for pending claims 1-9.

The Commissioner is hereby authorized to charge any fees for this paper and the co-filed Information Disclosure Statement to Deposit Account No. 50-1379.

Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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Date: November 23, 2011

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